

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Sanctuary Advisory Council Meeting

Meeting Minutes

November 18, 2009

The regular meeting of the Flower Garden Banks National Marine Sanctuary (FGBNMS) Advisory Council was held on Wednesday, November 18, 2009, at 9:00 AM, at the FGBNMS Headquarters offices in Galveston, Texas. The council chair, Larry McKinney and council vice-chair, Frank Burek, were present.

G.P. Schmahl, sanctuary superintendent, welcomed the council and the public and gave a brief "safety moment." He introduced sanctuary staff that were present and also officially welcomed Charles Tyer as the new NOAA OLE representative on the advisory council. G.P. added that Karen Raine sent her apologies for not being able to attend the meeting.

Larry McKinney asked for a motion to approve the meeting minutes. Frank Burek moved to adopt the minutes of the September 2009 meeting. The motion passed. Larry McKinney asked for a motion to adopt the agenda. Rafael Calderon moved to adopt the agenda and the motion passed.

G.P. Schmahl reported on the state of the sanctuary in the 'Sanctuary Update' report. Topics covered included: the budget continuing resolution (CR); the South Texas Banks research cruise conducted in cooperation with the Harte Research Institute; the MT Georgios M Settlement; ONMS marine spatial planning symposium; the FGBNMS interactive map on the NCDDC web site; video kiosk and exhibit update at the Texas State Aquarium in Corpus Christi; development of the monitoring program to establish baseline information in advance of an experimental closure; and R/V *Manta* funding (including possible sources, response to council letter sent to ONMS director, and the non-renewal of the crew contract). Shelley DuPuy, education and outreach coordinator, provided an update on education programs as a part of the 'Sanctuary Update.' She discussed the science at sea workshop for educators, CAST, Ocean Literacy Principles developed by the ONMS education team, the kindergarten curriculum being developed by Jacqui Stanley, and the development of the national volunteer policies.

Jen Morgan provided information regarding the final stages of preparation of the draft management plan (DMP). She presented the council with an example of what the document will look like reviewed the content by outlining the action plans and strategies. Jen also described the regulations that accompany the DMP, including updated discharge regulations, dive flag regulations and prohibiting touching of wildlife. An environmental assessment (EA) is currently being developed. The council discussed the DMP and questioned the separation of the boundary expansion environmental impact statement (EIS) from the DMP.

G.P. Schmahl gave a brief presentation on HI-A389"A" platform decommissioning options that was followed by discussion amongst the council members at length. The presentation gave the specifics of the location and description of the platform, as well as it's history. The decommissioning decision process was described in detail. Decisions include: remove or leave intact; if removed, then complete, partial, or toppling; if removed, options for disposal of removed portions. The pros and cons of each removal option were also identified and include: explosive severance of legs and removal; mechanical severance of legs and removal; toppling structure in place; partial removal at depth; and remove "load" but leave platform in place for re-use. Discussion by the council focused on the concept of artificial structures with the sanctuary, possible impacts to marine life, fishing pressure on the sanctuary, damage/liability in extreme weather, operational costs associated with keeping the structure in place, and the potential benefits of the platform remaining within sanctuary boundaries. G.P. also briefly discussed the role of the sanctuary and the council in providing recommendations for decommissioning. Larry McKinney suggested that this might be an appropriate time to put together a subcommittee focused on the future decommissioning of HI-A389"A". He asked council members to contact him if interested in serving on the subcommittee.

Jen Morgan gave the Charter Revision Subcommittee report. She announced that the transparency amendment was signed by the ONMS director and is now official. She asked that all relationships with NOAA and its agencies be reported, according to the new amendment in place.

Emma Hickerson gave the Blue Seas/Green Communities Subcommittee report. She reported on the reusable bag program and its success. She emphasized the positive affects of the bag program, their use as a public awareness tool, and their tie-in to our greening vision. Page Williams and Shelley DuPuy discussed with the council the continued interest in storm drain decals. Page also reminded the council of the Ike Dike proposal and stated her personal concern for potential impacts of such construction.

As chair of the Visitor Use/Recreational Users Subcommittee, Irby Basco discussed the need to build a database of users, especially for fishers. He emphasized the importance of including sanctuary users, divers and fishers, in the process as we move forward with boundary expansion. The council reviewed the initial draft of a stakeholder contact card developed by the subcommittee. Jen Morgan suggested that a final draft of the contact card could be prepared by the subcommittee and circulated to the full council for approval and a vote. Larry McKinney stated January 1, 2010 as a preferred date for completion of the contact card.

Frank Burek and Will Heyman presented constituent reports. Frank Burek gave the history of the sanctuary advisory council and described his role over the years. He also explained his history with diving, photography, and the nature of the photography business that he operates with his wife, Joyce. Additionally, he described his involvement with various organizations and his methods for communicating with diving

constituents. Frank shared with the council a slideshow highlighting his underwater photography.

Will Heyman provided insight on his personal history as a fisherman/conservationist turned university professor. He spoke passionately about his concern for a sustainable future for fisheries and the Gulf of Mexico. He hopes for an evolution of consensus among users and managers in regards to marine protected areas.

The following individuals provided public Comment: Dan Mueller, Roury Starling, Alan Starling, Thomas Orsak, and Brandt Mannchen. Dan Mueller presented a slideshow and expressed concerns regarding ocean acidification. Roury Starling expressed concerns over establishing marine protected areas and prohibiting fishing by this and future generations. His brother, Alan Starling, also addressed the council with concerns about closing FGBNMS for scientific investigations. He emphasized how scared they are that there will be a total closure to fishing. He also expressed interest in serving on working groups to study the concept of a research area. The public comments given by both Roury and Alan Starling generated much discussion with the council. Thomas Orsak also noted concerns about fishing closures. He stated that if great results and improvements were seen with a research area experiment, then there would be pressure to go with a total closure. Brandt Mannchen stated the importance of creating a physical connection to FGBNMS for people (e.g. visitor center). He also voiced concern about investing in HI A 389A when the R/V *Manta* was in need of additional funding. Finally, he suggested that congress address climate change in their legislation.

G.P. Schmahl provided an overview and history of ONMS budgeting. He noted that FGBNMS is about 3% of the total ONMS budget. He explained overhead expenses, facilities funds, and the process for allocating funds to sanctuary sites. He also highlighted R/V *Manta* operational costs.

Larry McKinney led the council in a discussion of the ocean acidification resolution. A draft resolution was shared with the council, with the suggestion that the “threat” language be removed from the final paragraph. Page Williams prepared a briefer version for consideration. Frank Burek moved to adopt the resolution as drafted by Page Williams. Page seconded the motion. Following discussion and revision of the resolution as drafted by Page, the motion to adopt the ocean acidification resolution passed. The vote on the ocean acidification resolution is recorded as nine in favor, one opposed. The text of the ocean acidification resolution is as follows:

Whereas the advisory council of the Flower Garden Banks National Marine Sanctuary has recognized ocean acidification as a significant threat to the long-term conservation and health of all marine ecosystems; and

Whereas our national marine sanctuaries are ideally suited to act as sentinels to assess the long-term and global effects of ocean acidification on marine ecosystems and organisms;

Therefore, be it resolved, the advisory council of the Flower Garden Banks National Marine Sanctuary joins the advisory councils of other national marine sanctuaries in recommending that NOAA's Office of National Marine Sanctuaries make every effort to seek the support of NOAA's leadership in developing a coordinated, scientifically-based approach to researching and monitoring the potential impacts of ocean acidification, and to developing appropriate responses to any threats presented by ocean acidification.

Larry McKinney gave a presentation on his activities with the Ocean Policy Task Force. He described how having a national policy will be important and how this effort is bringing together organizations and federal agencies to develop policy regarding oceans. Larry testified on two topics: marine spatial planning and fisheries issues in the Gulf of Mexico. He said that he emphasized how FGBNMS and FKNMS may be good models for how to deal with marine spatial planning in the Gulf of Mexico.

Larry McKinney asked for ideas for future meeting topics. Suggestions included: updates on regional SAC efforts, Ocean Policy Task Force Updates, HI A389A decommissioning, subcommittee work time, fish reproduction, marine protected areas, and education presentations on programmatic areas (e.g. NOAA Coral Program).

Jen Morgan reminded the council that abstracts for the 2010 SAC Summit case studies are due in January and asked if there was interest by the council in submitting an abstract. The council reached consensus and agreed to not submit a case study abstract this year.

The council reviewed the 2010 calendar and agreed on tentative meeting dates to include: February 24, May 5, September 22, and November 17.

The meeting adjourned before 4:00 PM.

The following communication has been added to the minutes of the November 18, 2009 meeting as requested by Clint Moore:

----- Original Message -----

Subject: RE: Info on OA Resolutions for FGB Council Mtg

Date: Mon, 16 Nov 2009 21:34:59 -0600

From: Clint Moore <clint@clintmoore.com>

To: 'Jennifer Morgan' <Jennifer.Morgan@noaa.gov>, 'Wasson Frank' <mvspre@sbglobal.net>, 'spre' <spre@spreexpeditions.com>, 'darrell walker' <darrell@truebluewaterports.com>, 'Dale Loughmiller' <daleloughmiller@mac.com>, "'Nadel, Rebecca E SEPCO-EP-AMERICA'" <Rebecca.Nadel@shell.com>, 'Irby Basco' <lrbyBasco@aol.com>, 'Matt Bunn' <matt@cctexas.org>, lmckinney1@stx.rr.com, "'McKinney, Larry'" <Larry.McKinney@tamucc.edu>, "'Gernhardt, Lori'" <LROUSSEL@gcwda.com>, 'Mike Jennings' <captainmikejennings@yahoo.com>, 'Frank Burek' <jfburek@consolidated.net>, 'Page Williams' <page.williams@gmail.com>, Rusty.Swofford@noaa.gov, james.sinclair@mms.gov,

jhendrix1706@aol.com, 'William Heyman' <wheyman@tamu.edu>, "'DeGeorge, Carmen S LCDR'" <Carmen.S.DeGeorge@uscg.mil>, "'J.V. Stanley'" <wolfeellady@earthlink.net>, 'Rafael Calderon' <rafael_calderon@tnc.org>, 'Dale Loughmiller' <dloughmiller@parisisd.net>, 'Charles Tyer' <Charles.Tyer@noaa.gov>
CC: 'G.P. Schmahl' <George.Schmahl@noaa.gov>

Dear SAC Colleagues,

As many of you know, I will not be able to attend Wednesday's meeting, due to my current overseas business travels.

I have previously read the Channel Islands working group report, these other SAC resolutions, as well as many, many other materials on this subject. I believe that a lot more research and monitoring needs to be conducted, before any aggressive government/regulatory policy action should be taken.

In general, I find the draft proposed FGBNMS resolution to not be helpful in advancing a scientific and methodical approach to research in the sanctuary. I would hope that this SAC would recognize that the often used word "threat" in this draft is excessive, and detracts from a preferred emphasis on more responsibly conducting research and monitoring.

Much, much more importantly, I would hope you would spend much more time on finding ways to assure that the RV Manta operations were fully funded for the next year, for without it, none of us, staff or SAC, can do our job near as effectively as we can otherwise do with it running. That should be our number one priority at this meeting. Keeping Manta running.

In looking at the agenda, it would appear that this Manta issue is only touched upon under GP's management report, just before the OA resolution, but I'd suggest you use most of the OA time to come up with an action plan to secure additional funds to keep Manta running. Perhaps a new working group would be in order, to help GP and staff find new joint partnerships to cost share time on the vessel.

We've received Dan's response to our Manta letter, and it gives me little hope of NOAA NMS funding Manta adequately this upcoming year. I do not understand why NOAA would prioritize other projects over the NMS, when these boats and their researchers offer so much potential scientific opportunity to the Nation. It's almost like the sanctuaries are being viewed within NOAA more similarly to national parks, and not as the important research sites that they truly are.

FGBNMS should indeed be a sentinel site for scientific research on this issue, so how about something simple that features our need for science?

Here's one approach, simply editing down the draft:

"Whereas the system of national marine sanctuaries is ideally suited to act as sentinels to gauge the effects of ocean acidification on living marine resources; and

Therefore be it resolved, the advisory council for the Flower Garden Banks National Marine Sanctuary recommends to NOAA's Office of National Marine Sanctuaries to make every effort to seek the support of NOAA's leadership in emphasizing the sanctuary system's unique potential to contribute to our understanding of this issue."

We might even add a final sentence to tie this to the budgetary need for funds to operate the Manta: add "We urge NOAA leadership to reprioritize its spending plans for its FY 2010 budget, and fully fund the operations of the R/V Manta." I would hope that a sentence like that would get Lubchenko's attention. It might even get our SAC colleagues elsewhere, to similarly state the value that NMS vessels can bring to this issue.

If a more "threat" oriented resolution is desired by a majority of this SAC, I would hope we could defer any such resolution until next meeting, when more science on both sides of the issue can be brought to the discussion, than at this late date. If not, please record my vote as a definite "NO" on passing this resolution as written, or any modification that contains the "threat" language.

Thanks for your understanding of my concerns, and I wish you all a successful meeting.

Best Regards,

Clint

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-----Original Message-----

From: Jennifer Morgan [<mailto:Jennifer.Morgan@noaa.gov>]

Sent: Thursday, November 12, 2009 4:07 PM

To: Wasson Frank; spree; darrell walker; Clint Moore; Dale Loughmiller; Nadel, Rebecca E SEPCO-EP-AMERICA; Irby Basco; Matt Bunn;

lmckinney1@stx.rr.com; McKinney, Larry; Gernhardt, Lori; Mike Jennings;
Frank Burek; Page Williams; Rusty.Swafford@noaa.gov; james.sinclair@mms.gov;
jhendrix1706@aol.com; William Heyman; DeGeorge, Carmen S LCDR; J.V. Stanley;
Rafael Calderon; Dale Loughmiller; Charles Tyer
Cc: G.P. Schmahl
Subject: Info on OA Resolutions for FGB Council Mtg

As you prepare for the discussion on the Ocean Acidification Resolution, please read the attached documents. These are the resolutions that were passed by other sanctuary councils.

Thanks,

Jen

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